

10-17-03

3762/8

<b>AMENDMENT TRANSMITTAL LETTER</b> <b>Under Small Entity Status</b>		Attorney Docket No: S100-DIV1	
Application Serial Number: 09/976,799 ✓	Filing Date: 10/12/2001	Examiner: Frances P. Oropeza	Group Art Unit: 3762

Invention: Retinal Color Prosthesis for Color Sight Restoration

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:

Transmitted herewith is an amendment in the above-identified application. The fee has been calculated as shown below.

## CLAIMS AS AMENDED

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	NO. OF EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	24	MINUS	40	0	\$9	\$ 0.00
INDEP. CLAIMS	4	MINUS	5	0	\$42	\$ 0.00

X Petition is hereby made under 37 CFR 1.136(a) to extend the time for response to the Office Action of 5/12/2003 to and through 10/15/2003, comprising an extension of the shortened statutory period of:

\_\_\_\_\_ one month (\$55)                      \_\_\_\_\_ three months (\$465)  
X two months (\$205)                      \_\_\_\_\_ four months (\$725)

## TOTAL ADDITIONAL FEE FOR THIS AMENDMENT

X Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.

\_\_\_\_\_ A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.

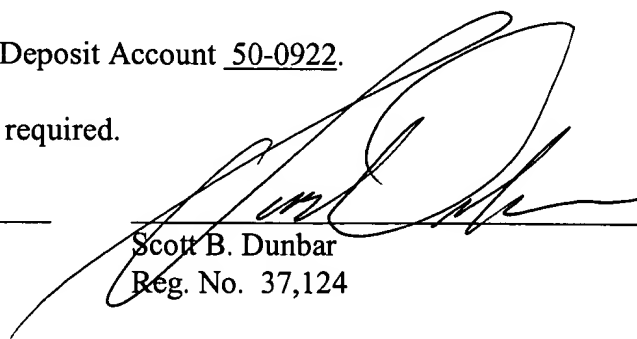
\_\_\_\_\_ A check in the amount of \$ \_\_\_\_\_ is attached.

X Charge \$ 205.00 to Deposit Account 50-0922.

\_\_\_\_\_ No additional fee is required.

Date

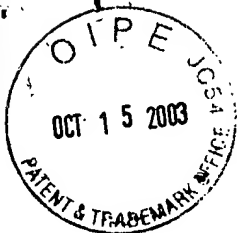
10/15/03

  
Scott B. Dunbar  
Reg. No. 37,124

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OCT 27 2003  
TC 3700 MAIL ROOM

I hereby certify that this correspondence and all correspondence identified as accompanying this correspondence is being deposited with the United States Postal Service as Express Mail in an envelope addressed to the Assistant Commissioner for Patents, Alexandria, VA 22313 on October 15, 2003.

  
Lisa A. Cody



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**PATENT**

TC 3-10 MAIL ROOM  
OCT 27 2003

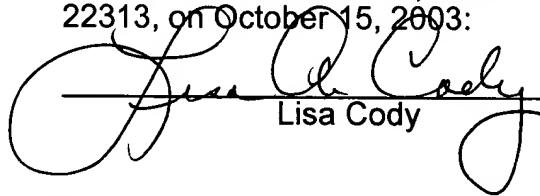
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B. Webb  
10/28/03

<b>Applicant:</b>	Greenberg, et. Al.	<b>Art Unit:</b>	3762
<b>Serial No.:</b>	09/979,799	<b>Examiner:</b>	Oropeza
<b>Filed:</b>	10/12/01		
<b>Docket No.:</b>	S100-DIV1		
<b>For:</b>	Retinal Color Prosthesis for Color Sight Restoration		

**Assistant Commissioner  
For Patents  
Alexandria, VA 22313**

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail in an envelope addressed to: Commissioner of Patents and Trademarks, Alexandria, VA 22313, on October 15, 2003:

  
Lisa Cody

**AMENDMENT B**

Dear Sir:

In response to the Office Action mailed May 12, 2003, please amend the above-identified patent application as follows:

**INTRODUCTORY COMMENTS**

Claims 269 - 309 were pending in the present application prior to this amendment. Pursuant to the restriction requirement, applicants elects group I, claims, 269 - 302, drawn to a visual prosthetic, classified in class 607, subclass 54. Applicants withdraw claims 275, 278 - 282, 286 - 288, and 297 - 309. Applicants have amended claims 269, 272 - 274, 277, 283 - 285, 289, 290 and 292 - 295. Applicants have also added new claim 310 - 314 as discussed below.

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Serial No. 09/976,799

10/22/2003 SSITHIB1 00000152 500922 09976799  
01 FC:2252 210.00 DA